

to protect the American people from future attacks, but I am sure that I speak for the vast majority of the Members of this body when I say that while we fight terrorism vigorously, we must do it in a way that does not undermine the basic constitutional rights of the American people, what makes us a free country.

□ 1230

That is what this amendment is all about.

Mr. Chairman, this concern about protecting constitutional rights while we fight terrorism is not an ideological issue. Again, on this point I agree with people who I often disagree with. Let me quote Republican majority leader, former leader Dick Armey, when he said, "Are we going to save ourselves from international terrorism in order to deny the fundamental liberties we protect to ourselves?"

I agree with Dick Armey. I agree with Newt Gingrich, who also voiced concerns about the USA PATRIOT Act. But also what we have are four State legislatures, including my own State of Vermont, 332 municipalities all across the country, conservative, progressive, going on record in passing resolutions expressing their concerns about this or that aspect of the PATRIOT Act.

Now, one of the areas of the PATRIOT Act that has received the most attention is section 215 as it relates to the government's ability to gain access to the files of America's libraries and bookstores. Mr. Chairman, under 215, government agents can go into a secret FISA court and get an order requiring that a library or bookstore turn over records that would tell them what innocent Americans are reading. They do this by informing the judge that they are doing an investigation on international terrorism, and having said that, a judge in the FISA court is obliged to give them a warrant to go into a library or into a bookstore so that they can determine the books that innocent Americans are reading. They do not need to have probable cause or specific information on an individual who is alleged to be a terrorist.

Mr. Chairman, just so the Members of this House understand how broad this authority is, let me quote from an October 29, 2003, declassified memo from the FBI's general counsel to all field offices. The memo expressly states that a request under section 215 "is not limited to the records of the target of a full investigation. The request must simply be sought for a full investigation. Thus, if the records relating to one person are relevant to the full investigation of another person, those records can be obtained, despite the fact that there is no open investigation of the person to whom the subject of the records pertain."

To make matters even worse, Mr. Chairman, all the proceedings are secret, so the innocent persons whose records are sought will not even know that his or her records have been seized.

Mr. Chairman, there are opponents of this amendment who are suggesting that if we pass this, the FBI and law enforcement officials will be unable to go into libraries and bookstores to track terrorists and that exempting libraries would "create a terrorist safety zone." This is absolutely not the case, not the case. This amendment does not except libraries and book sellers from searches.

The FBI will still have many legal tools at its disposal as it always has, including search warrants and criminal grand jury subpoenas to attain library and bookstore records.

Mr. Chairman, we have an opportunity today to show the American people, yes, we are going to fight terrorism vigorously; but we are going to do it while we protect the constitutional rights of our people. Conservatives, progressive, moderates agree, let us pass this amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment and yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman's amendment is an attempt to roll back part of the PATRIOT Act, which should not be done on an appropriations bill with 20 minutes on each side. This is a matter that the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), ought to be holding hearings on and have an opportunity to take a look at it. The business records provision the gentleman wishes to amend sunsets at the end of 2005.

I think it is a great opportunity that the Congress has oversight on this issue, and I know that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) will be doing that aggressively, whereby the gentleman from Vermont (Mr. SANDERS) and others from both sides can come and testify; but the Committee on the Judiciary must be given an opportunity to review this policy, determine whether the gentleman's amendment is a good idea, whether it would create a potential safe haven for terrorists at libraries and address any of these issues particularly; and that is why the Congress legitimately wanted it to sunset.

Finally, and I would tell the gentlemen on both sides, OMB's Statement of Administration Policy states if any amendment that would weaken the USA PATRIOT Act were adopted and presented to the President for his signature, the bill would be vetoed.

I urge a "no" vote, and let the gentleman from Michigan (Mr. CONYERS) and let the gentleman from Wisconsin (Mr. SENSENBRENNER) really take a lot of time to bring the best constitutional authority together and look at this. That is the right way to go.

Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), who has done a great job on this issue.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his

leadership and for once again bringing this amendment before us.

Last year I believe if we had this amendment before us when we had the Otter amendment and several others relative to the PATRIOT Act, we would have had and should have had at least 309 votes for this amendment as we did the Otter amendment.

I would just like to speak to a couple of things. I know my office and several other offices have received calls regarding a veto threat on this amendment. This is the ninth such amendment that we have received a veto threat on.

Well, I would tell you that if there is that much consideration, if there is that much concern on this bill as a whole, then maybe we ought to take the bill back to committee and reconsider the bill itself rather than just the amendment.

There is no greater threat to this Nation in terms of terrorism than the drugs that are on our streets today. There is no greater threat and no greater form of terrorism against our children than the pornographers in this country, and there has been no greater threat in the past on a civil and law-abiding society than organized crime.

Yet, rather than add "domestic terrorism" to this list, we have taken domestic terrorism and elevated it above those three elements with special laws. We continue to say we are doing the same thing with domestic terrorism as we have done with pornography, as we have done with drugs and as we have done with organized crime.

Not so. Not so, Mr. Chairman, because what we have done with domestic terrorism is we have removed judicial oversight and that most important role that the judiciary plays—shining that bright constitutional light into the dark shadows of probable cause.

And so I would like to join the gentleman from Vermont. I would like to join others who are prepared to say we think that these other acts of terrorism against our children and against our civil society as a whole are no less important to fight against than domestic terrorism, and, in fact, have probably taken, no, have taken, Mr. Chairman, many more lives than were lost on 9/11.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume before I recognize the gentleman from North Carolina (Mr. COBLE), to respond.

We just received a letter from the Justice Department, and I wanted to read it for the Members.

It said, "In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'yes.'"